

1-1 AN ACT
1-2 relating to the ratification, creation, administration, powers,
1-3 duties, operation, and financing of groundwater conservation
1-4 districts in and coordinated management of groundwater resources
1-5 for the central Carrizo-Wilcox area.
1-6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-7 ARTICLE 1. GENERAL PROVISIONS
1-8 SECTION 1.01. TITLE. This Act may be referred to as the
1-9 Central Carrizo-Wilcox Groundwater Management Act.
1-10 SECTION 1.02. PURPOSE. The purpose of this Act is:
1-11 (1) to ratify and create locally controlled
1-12 groundwater districts in order to protect and recharge groundwater
1-13 and to prevent pollution or waste of groundwater in the central
1-14 Carrizo-Wilcox area, to control subsidence caused by withdrawal of
1-15 water from the groundwater reservoirs in that area, and to regulate
1-16 the transport of water out of the boundaries of the districts;
1-17 (2) to create the Central Carrizo-Wilcox Coordinating
1-18 Council to provide for the regional management of groundwater while
1-19 preserving local control, to protect and recharge groundwater, to
1-20 prevent pollution or waste of groundwater, and to control
1-21 subsidence caused by withdrawal of water from the groundwater
1-22 reservoirs; and
1-23 (3) to allow the groundwater conservation districts to
1-24 coordinate activities through the Central Carrizo-Wilcox
2-1 Coordinating Council to the extent authorized by this Act and
2-2 considered to be in the public interest.
2-3 ARTICLE 2. BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT
2-4 SECTION 2.01. RATIFICATION OF CREATION. The creation by
2-5 Chapter 1331, Acts of the 76th Legislature, Regular Session, 1999
2-6 (Senate Bill No. 1911), of the Brazos Valley Groundwater
2-7 Conservation District in Robertson and Brazos counties is ratified
2-8 as required by Section 15(a) of that Act, subject to approval at a
2-9 confirmation election under Section 2.13 of this article.
2-10 SECTION 2.02. DEFINITION. In this article, "district" means
2-11 the Brazos Valley Groundwater Conservation District.
2-12 SECTION 2.03. BOUNDARIES. The boundaries of the district are
2-13 coextensive with the boundaries of Robertson and Brazos counties,
2-14 Texas.
2-15 SECTION 2.04. GENERAL POWERS. (a) Except as otherwise
2-16 provided by this article, the district has all of the rights,
2-17 powers, privileges, authority, functions, and duties provided by
2-18 the general law of this state, including Chapter 36, Water Code,
2-19 applicable to groundwater conservation districts created under
2-20 Section 59, Article XVI, Texas Constitution. This article prevails
2-21 over any provision of general law that is in conflict or
2-22 inconsistent with this article, including any provision of Chapter
2-23 36, Water Code, or Chapter 1331, Acts of the 76th Legislature,
2-24 Regular Session, 1999 (Senate Bill No. 1911).
2-25 (b) The district does not have the authority granted by the
2-26 following provisions of Chapter 36, Water Code:
2-27 (1) Section 36.105, relating to eminent domain; and
3-1 (2) Sections 36.020 and 36.201-36.204, relating to
3-2 taxes.
3-3 SECTION 2.05. BONDS. The district may issue bonds and notes
3-4 under Sections 36.171-36.181, Water Code, not to exceed \$500,000 of
3-5 total indebtedness at any time.
3-6 SECTION 2.06. FEES. (a) The board of directors of the
3-7 district by rule may impose reasonable fees on each well for which
3-8 a permit is issued by the district and which is not exempt from
3-9 regulation by the district. A fee may be based on the size of
3-10 column pipe used by the well or on the actual, authorized, or
3-11 anticipated amount of water to be withdrawn from the well.
3-12 (b) The initial fee shall be based on the amount of water to
3-13 be withdrawn from the well. The initial fee:
3-14 (1) may not exceed:
3-15 (A) \$0.25 per acre-foot for water used for
3-16 irrigating agricultural crops or operating existing steam electric
3-17 stations; or
3-18 (B) \$0.0425 per thousand gallons for water used
3-19 for any other purpose; and
3-20 (2) may be increased at a cumulative rate not to
3-21 exceed three percent per year.
3-22 (c) In addition to the fee authorized under Subsection (b)
3-23 of this section, the district may impose a reasonable fee or
3-24 surcharge for an export fee using one of the following methods:

3-25 (1) a fee negotiated between the district and the
3-26 transporter; or
3-27 (2) a combined production and export fee not to exceed
4-1 17 cents per thousand gallons of water used.
4-2 (d) Fees authorized by this section may be assessed annually
4-3 and may be used to fund the cost of operations of the district or
4-4 the Central Carrizo-Wilcox Coordinating Council.
4-5 SECTION 2.07. GROUNDWATER WELLS UNDER JURISDICTION OF
4-6 RAILROAD COMMISSION. (a) A groundwater well drilled or operated
4-7 within the district under a permit issued by the Railroad
4-8 Commission of Texas is under the exclusive jurisdiction of the
4-9 railroad commission and is exempt from regulation by the district.
4-10 (b) Groundwater produced in an amount authorized by a
4-11 railroad commission permit may be used within or exported from the
4-12 district without a permit from the district.
4-13 (c) To the extent groundwater is produced in excess of
4-14 railroad commission authorization, the holder of the railroad
4-15 commission permit must apply to the district for the appropriate
4-16 permit for the excess production and is subject to the applicable
4-17 regulatory fees.
4-18 (d) Groundwater produced from a well under the jurisdiction
4-19 of the railroad commission is generally exempt from water district
4-20 fees. However, the district may impose either a pumping fee or an
4-21 export fee on groundwater produced from an otherwise exempt mine
4-22 well that is used for municipal purposes or by a public utility.
4-23 Any fee imposed by the district under this subsection may not
4-24 exceed the fee imposed on other groundwater producers in the
4-25 district.
4-26 SECTION 2.08. REGIONAL COORDINATION. (a) To provide for
4-27 regional continuity, the district shall participate in a regular
5-1 annual coordination meeting with any groundwater districts that are
5-2 created and/or existing in Bastrop, Lee, Robertson, Brazos, Milam,
5-3 Burleson, Leon, Madison, and/or Freestone counties, and may hold
5-4 coordination meetings at other times as needed.
5-5 (b) Prior to the first annual regional coordination meeting
5-6 held under Subsection (a), the district's board of directors shall
5-7 vote whether to create and be a member of the Central
5-8 Carrizo-Wilcox Coordinating Council under Article 5 of this Act.
5-9 (c) At the first annual regional coordination meeting held
5-10 under Subsection (a), if all of the groundwater districts created
5-11 and/or existing in Bastrop, Lee, Robertson, Brazos, Milam,
5-12 Burleson, Leon, Madison, and/or Freestone counties unanimously vote
5-13 to create and be members of the Central Carrizo-Wilcox Coordinating
5-14 Council, then the district shall be a member of the Central
5-15 Carrizo-Wilcox Coordinating Council under Article 5.
5-16 (d) If the Central Carrizo-Wilcox Coordinating Council is
5-17 not created at the first annual regional coordination meeting held
5-18 under Subsection (a), then the district shall follow the joint
5-19 planning in management area requirements under Chapter 36, Water
5-20 Code.
5-21 SECTION 2.09. MANAGEMENT PLAN. (a) The district shall
5-22 develop or contract to develop its own management plan under
5-23 Section 36.1071, Water Code.
5-24 (b) The district shall submit its management plan under
5-25 Subsection (a) to the Central Carrizo-Wilcox Coordinating Council
5-26 to be included in the management plan developed by the Central
5-27 Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act,
6-1 if the Central Carrizo-Wilcox Coordinating Council is created at
6-2 the first annual regional coordination meeting.
6-3 SECTION 2.10. BOARD OF DIRECTORS. (a) The district is
6-4 governed by a board of eight directors.
6-5 (b) Initial directors serve until permanent directors are
6-6 appointed under Section 2.11 of this article and qualified as
6-7 required by Subsection (d) of this section.
6-8 (c) Permanent directors serve four-year staggered terms.
6-9 (d) Each director must qualify to serve as a director in the
6-10 manner provided by Section 36.055, Water Code.
6-11 (e) A director serves until the director's successor has
6-12 qualified.
6-13 (f) A director may serve consecutive terms.
6-14 (g) If there is a vacancy on the board, the governing body
6-15 of the entity that appointed the director who vacated the office
6-16 shall appoint a director to serve the remainder of the term.
6-17 (h) Directors are not entitled to receive compensation for
6-18 serving as a director but may be reimbursed for actual, reasonable

6-19 expenses incurred in the discharge of official duties.

6-20 (i) A majority vote of a quorum is required for board
6-21 action. If there is a tie vote, the proposed action fails.

6-22 SECTION 2.11. APPOINTMENT OF DIRECTORS. (a) The Robertson
6-23 County Commissioners Court shall appoint four directors, of whom:

6-24 (1) one must represent municipal interests in the
6-25 county;

6-26 (2) one must be a bona fide agricultural producer who
6-27 derives a substantial portion of his or her income from agriculture
7-1 in the county;

7-2 (3) one must be a director or employee of a rural
7-3 water supply corporation in the county; and

7-4 (4) one must represent active industrial interests in
7-5 the county.

7-6 (b) The Brazos County Commissioners Court shall appoint two
7-7 directors, of whom:

7-8 (1) one must be a director or employee of a rural
7-9 water supply corporation in the county; and

7-10 (2) one must be a bona fide agricultural producer who
7-11 derives a substantial portion of his or her income from agriculture
7-12 in the county.

7-13 (c) The governing body of the City of Bryan, with the
7-14 approval of the Brazos County Commissioners Court, shall appoint
7-15 one director.

7-16 (d) The governing body of the City of College Station, with
7-17 the approval of the Brazos County Commissioners Court, shall
7-18 appoint one director.

7-19 (e) Each of the governing bodies authorized by this section
7-20 to make an appointment shall appoint the appropriate number of
7-21 initial directors as soon as practicable following the effective
7-22 date of this Act, but not later than the 45th day after the
7-23 effective date of this Act.

7-24 (f) The four initial directors from Robertson County shall
7-25 draw lots to determine their terms. Two initial directors from
7-26 Robertson County and the two initial directors from Brazos County
7-27 serve terms that expire on January 1 of the second year following
8-1 the confirmation of the district at an election held under Section
8-2 2.13 of this article. The remaining four initial directors serve
8-3 terms that expire on January 1 of the fourth year following the
8-4 confirmation of the district. On January 1 of the second year
8-5 following confirmation of the district and every two years after
8-6 that date, the appropriate governing body shall appoint the
8-7 appropriate number of permanent directors.

8-8 SECTION 2.12. ORGANIZATIONAL MEETING. As soon as practicable
8-9 after all the initial directors have been appointed and have
8-10 qualified as provided in this article, a majority of the directors
8-11 shall convene the organizational meeting of the district at a
8-12 location within the district agreeable to a majority of the
8-13 directors. If no location can be agreed on, the organizational
8-14 meeting of the directors shall be at the Robertson County
8-15 Courthouse.

8-16 SECTION 2.13. CONFIRMATION ELECTION. (a) The initial board
8-17 of directors shall call and hold an election on the same date in
8-18 each county within the district to confirm the creation of the
8-19 district.

8-20 (b) Except as provided by this section, a confirmation
8-21 election must be conducted as provided by Sections 36.017, 36.018,
8-22 and 36.019, Water Code, and Section 41.001, Election Code.

8-23 (c) If the majority of qualified voters in a county who vote
8-24 in the election vote to confirm the creation of the district, that
8-25 county is included in the district. If the majority of qualified
8-26 voters in a county who vote in the election vote not to confirm the
8-27 creation of the district, that county is excluded from the
9-1 district.

9-2 (d) The district is dissolved and this article expires on
9-3 August 31, 2003, unless the voters confirm the creation of the
9-4 district before that date.

9-5 ARTICLE 3. POST OAK SAVANNAH GROUNDWATER CONSERVATION DISTRICT

9-6 SECTION 3.01. CREATION. (a) A groundwater conservation
9-7 district, to be known as the Post Oak Savannah Groundwater
9-8 Conservation District, is created in Milam and Burleson counties,
9-9 subject to approval at a confirmation election under Section 3.13
9-10 of this article. The district is a governmental agency and a body
9-11 politic and corporate.

9-12 (b) The district is created under and is essential to

9-13 accomplish the purposes of Section 59, Article XVI, Texas
9-14 Constitution.

9-15 SECTION 3.02. DEFINITION. In this article, "district" means
9-16 the Post Oak Savannah Groundwater Conservation District.

9-17 SECTION 3.03. BOUNDARIES. The boundaries of the district are
9-18 cointensive with the boundaries of Milam and Burleson counties.

9-19 SECTION 3.04. FINDING OF BENEFIT. All of the land and other
9-20 property included within the boundaries of the district will be
9-21 benefitted by the works and projects that are to be accomplished by
9-22 the district under powers conferred by Section 59, Article XVI,
9-23 Texas Constitution. The district is created to serve a public use
9-24 and benefit.

9-25 SECTION 3.05. GENERAL POWERS. (a) Except as otherwise
9-26 provided by this article, the district has all of the rights,
9-27 powers, privileges, authority, functions, and duties provided by
10-1 the general law of this state, including Chapter 36, Water Code,
10-2 applicable to groundwater conservation districts created under
10-3 Section 59, Article XVI, Texas Constitution. This article prevails
10-4 over any provision of general law that is in conflict or
10-5 inconsistent with this article, including any provision of Chapter
10-6 36, Water Code.

10-7 (b) The district does not have the authority granted by the
10-8 following provisions of Chapter 36, Water Code:

10-9 (1) Section 36.105, relating to eminent domain; and
10-10 (2) Sections 36.020 and 36.201-36.204, relating to
10-11 taxes.

10-12 SECTION 3.06. FEES. (a) The board of directors of the
10-13 district by rule may impose reasonable fees on each well for which
10-14 a permit is issued by the district and which is not exempt from
10-15 regulation by the district. A fee may be based on the size of
10-16 column pipe used by the well or on the actual, authorized, or
10-17 anticipated amount of water to be withdrawn from the well.

10-18 (b) Fees may not exceed:

10-19 (1) \$0.25 per acre-foot for water used for irrigating
10-20 agricultural crops; or
10-21 (2) 17 cents per thousand gallons for water used for
10-22 any other purpose.

10-23 (c) In addition to the fee authorized under Subsection (b)
10-24 of this section, the district may impose a reasonable fee or
10-25 surcharge for an export fee using one of the following methods:

10-26 (1) a fee negotiated between the district and the
10-27 transporter; or
11-1 (2) a combined production and export fee not to exceed
11-2 17 cents per thousand gallons of water used.

11-3 (d) Fees authorized by this section may be assessed annually
11-4 and may be used to fund the cost of operations of the district or
11-5 the Central Carrizo-Wilcox Coordinating Council.

11-6 SECTION 3.07. GROUNDWATER WELLS UNDER JURISDICTION OF
11-7 RAILROAD COMMISSION. (a) A groundwater well drilled or operated
11-8 within the district under a permit issued by the Railroad
11-9 Commission of Texas is under the exclusive jurisdiction of the
11-10 railroad commission and is exempt from regulation by the district.

11-11 (b) Groundwater produced in an amount authorized by a
11-12 railroad commission permit may be used within or exported from the
11-13 district without a permit from the district.

11-14 (c) To the extent groundwater is produced in excess of
11-15 railroad commission authorization, the holder of the railroad
11-16 commission permit must apply to the district for the appropriate
11-17 permit for the excess production and is subject to the applicable
11-18 regulatory fees.

11-19 (d) Groundwater produced from a well under the jurisdiction
11-20 of the railroad commission is generally exempt from water district
11-21 fees. However, the district may impose either a pumping fee or an
11-22 export fee on groundwater produced from an otherwise exempt mine
11-23 well that is used for municipal purposes or by a public utility.
11-24 Any fee imposed by the district under this subsection may not
11-25 exceed the fee imposed on other groundwater producers in the
11-26 district.

11-27 SECTION 3.08. REGIONAL COORDINATION. (a) To provide for
12-1 regional continuity, the district shall participate in a regular
12-2 annual coordination meeting with any groundwater districts that are
12-3 created and/or existing in Bastrop, Lee, Robertson, Brazos, Milam,
12-4 Burleson, Leon, Madison, and/or Freestone counties, and may hold
12-5 coordination meetings at other times as needed.

12-6 (b) Prior to the first annual regional coordination meeting

held under Subsection (a), the district's board of directors shall vote whether to create and be a member of the Central Carrizo-Wilcox Coordinating Council under Article 5 of this Act.

(c) At the first annual regional coordination meeting held under Subsection (a), if all of the groundwater districts created and/or existing in Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon, Madison, and/or Freestone counties unanimously vote to create and be members of the Central Carrizo-Wilcox Coordinating Council, then the district shall be a member of the Central Carrizo-Wilcox Coordinating Council under Article 5.

(d) If the Central Carrizo-Wilcox Coordinating Council is not created at the first annual regional coordination meeting held under Subsection (a), then the district shall follow the joint planning in management area requirements under Chapter 36, Water Code.

SECTION 3.09. MANAGEMENT PLAN. (a) The district shall develop or contract to develop its own management plan under Section 36.1071, Water Code.

(b) The district shall submit its management plan under Subsection (a) to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the Central Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act, if the Central Carrizo-Wilcox Coordinating Council is created at the first annual regional coordination meeting.

SECTION 3.10. BOARD OF DIRECTORS. (a) The district is governed by a board of 10 directors.

(b) Initial directors serve until permanent directors are appointed under Section 3.11 of this article and qualified as required by Subsection (d) of this section.

(c) Permanent directors serve four-year staggered terms.

(d) Each director must qualify to serve as a director in the manner provided by Section 36.055, Water Code.

(e) A director serves until the director's successor has qualified.

(f) A director may serve consecutive terms.

(g) If there is a vacancy on the board, the governing body of the entity that appointed the director who vacated the office shall appoint a director to serve the remainder of the term.

(h) Directors are not entitled to receive compensation for serving as a director but may be reimbursed for actual, reasonable expenses incurred in the discharge of official duties.

(i) A quorum exists when at least two-thirds of the board members are present. A majority vote of a quorum is required for board action. If there is a tie vote, the proposed action fails.

SECTION 3.11. APPOINTMENT OF DIRECTORS. (a) The Milam County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of his or her income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at large.

(b) The Burleson County Commissioners Court shall appoint five directors, of whom:

(1) one must represent municipal interests in the county;

(2) one must be a bona fide agricultural producer who derives a substantial portion of his or her income from agriculture in the county;

(3) one must be a director or employee of a rural water supply corporation in the county;

(4) one must represent active industrial interests in the county; and

(5) one must represent the interests of the county at large.

(c) Each of the governing bodies authorized by this section to make an appointment shall appoint the appropriate number of initial directors as soon as practicable following the effective date of this Act, but not later than the 45th day after the effective date of this Act.

(d) The initial directors shall draw lots to determine their terms. Two initial directors from Milam County and two initial directors from Burleson County serve terms that expire on January 1 of the second year following the confirmation of the district at an election held under Section 3.13 of this article. The remaining six initial directors serve terms that expire on January 1 of the fourth year following the confirmation of the district. On January 1 of the second year following confirmation of the district and every two years after that date, the appropriate commissioners court shall appoint the appropriate number of permanent directors.

SECTION 3.12. ORGANIZATIONAL MEETING. As soon as practicable after all the initial directors have been appointed and have qualified as provided in this article, a majority of the directors shall convene the organizational meeting of the district at a location within the district agreeable to a majority of the directors. If no location can be agreed on, the organizational meeting of the directors shall be at the Milam County Courthouse.

SECTION 3.13. CONFIRMATION ELECTION. (a) The initial board of directors shall call and hold an election on the same date in each county within the district to confirm the creation of the district.

(b) Except as provided by this section, a confirmation election must be conducted as provided by Sections 36.017, 36.018, and 36.019, Water Code, and Section 41.001, Election Code.

(c) If the majority of qualified voters in a county who vote in the election vote to confirm the creation of the district, that county is included in the district. If the majority of qualified voters in a county who vote in the election vote not to confirm the creation of the district, that county is excluded from the district.

(d) The district is dissolved and this article expires on August 31, 2003, unless the voters confirm the creation of the district before that date.

ARTICLE 4. MID-EAST TEXAS GROUNDWATER CONSERVATION DISTRICT

SECTION 4.01. CREATION. (a) A groundwater conservation district, to be known as the Mid-East Texas Groundwater Conservation District, is created in Leon, Madison, and Freestone counties, subject to approval at a confirmation election under Section 4.13 of this article. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 4.02. DEFINITION. In this article, "district" means the Mid-East Texas Groundwater Conservation District.

SECTION 4.03. BOUNDARIES. The boundaries of the district are coextensive with the boundaries of Leon, Madison, and Freestone counties.

SECTION 4.04. FINDING OF BENEFIT. All of the land and other property included within the boundaries of the district will be benefitted by the works and projects that are to be accomplished by the district under powers conferred by Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

SECTION 4.05. GENERAL POWERS. (a) Except as otherwise provided by this article, the district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapter 36, Water Code, applicable to groundwater conservation districts created under Section 59, Article XVI, Texas Constitution. This article prevails over any provision of general law that is in conflict or inconsistent with this article, including any provision of Chapter 36, Water Code.

(b) The district does not have the authority granted by the following provisions of Chapter 36, Water Code:

(1) Section 36.105, relating to eminent domain; and

(2) Sections 36.020 and 36.201-36.204, relating to taxes.

SECTION 4.06. FEES. (a) The board of directors of the district by rule may impose reasonable fees on each well for which a permit is issued by the district and which is not exempt from regulation by the district. A fee may be based on the size of column pipe used by the well or on the actual, authorized, or anticipated amount of water to be withdrawn from the well.

(b) Fees may not exceed:

(1) \$0.25 dollar per acre-foot for water used for irrigating agricultural crops; or
(2) 17 cents per thousand gallons for water used for any other purpose.

(c) In addition to the fee authorized under Subsection (b) of this section, the district may impose a reasonable fee or surcharge for an export fee using one of the following methods:

(1) a fee negotiated between the district and the transporter; or
(2) a combined production and export fee not to exceed 17 cents per thousand gallons of water used.

(d) Fees authorized by this section may be assessed annually and may be used to fund the cost of operations of the district or the Central Carrizo-Wilcox Coordinating Council.

SECTION 4.07. GROUNDWATER WELLS UNDER JURISDICTION OF RAILROAD COMMISSION. (a) A groundwater well drilled or operated within the district under a permit issued by the Railroad Commission of Texas is under the exclusive jurisdiction of the railroad commission and is exempt from regulation by the district.

(b) Groundwater produced in an amount authorized by a railroad commission permit may be used within or exported from the district without a permit from the district.

(c) To the extent groundwater is produced in excess of railroad commission authorization, the holder of the railroad commission permit must apply to the district for the appropriate permit for the excess production and is subject to the applicable regulatory fees.

(d) Groundwater produced from a well under the jurisdiction of the railroad commission is generally exempt from water district fees. However, the district may impose either a pumping fee or an export fee on groundwater produced from an otherwise exempt mine well that is used for municipal purposes or by a public utility. Any fee imposed by the district under this subsection may not exceed the fee imposed on other groundwater producers in the district.

SECTION 4.08. REGIONAL COORDINATION. (a) To provide for regional continuity, the district shall participate in a regular annual coordination meeting with any groundwater districts that are created and/or existing in Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon, Madison, and/or Freestone counties, and may hold coordination meetings at other times as needed.

(b) Prior to the first annual regional coordination meeting held under Subsection (a), the district's board of directors shall vote whether to create and be a member of the Central Carrizo-Wilcox Coordinating Council under Article 5 of this Act.

(c) At the first annual regional coordination meeting held under Subsection (a), if all of the groundwater districts created and/or existing in Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon, Madison, and/or Freestone counties unanimously vote to create and be members of the Central Carrizo-Wilcox Coordinating Council, then the district shall be a member of the Central Carrizo-Wilcox Coordinating Council under Article 5.

(d) If the Central Carrizo-Wilcox Coordinating Council is not created at the first annual regional coordination meeting held under Subsection (a), then the district shall follow the joint planning in management area requirements under Chapter 36, Water Code.

SECTION 4.09. MANAGEMENT PLAN. (a) The district shall develop or contract to develop its own management plan under Section 36.1071, Water Code.

(b) The district shall submit its management plan under Subsection (a) to the Central Carrizo-Wilcox Coordinating Council to be included in the management plan developed by the Central Carrizo-Wilcox Coordinating Council under Section 5.06 of this Act, if the Central Carrizo-Wilcox Coordinating Council is created at the first annual regional coordination meeting.

SECTION 4.10. BOARD OF DIRECTORS. (a) The district is governed by a board of nine directors.

(b) Initial directors serve until permanent directors are appointed under Section 4.11 of this article and qualified as required by Subsection (d) of this section.

(c) Permanent directors serve four-year staggered terms.

(d) Each director must qualify to serve as a director in the manner provided by Section 36.055, Water Code.

(e) A director serves until the director's successor has

20-16 qualified.

20-17 (f) A director may serve consecutive terms.

20-18 (g) If there is a vacancy on the board, the governing body

20-19 of the entity that appointed the director who vacated the office

20-20 shall appoint a director to serve the remainder of the term.

20-21 (h) Directors are not entitled to receive compensation for

20-22 serving as a director but may be reimbursed for actual, reasonable

20-23 expenses incurred in the discharge of official duties.

20-24 (i) A majority vote of a quorum is required for board

20-25 action. If there is a tie vote, the proposed action fails.

20-26 SECTION 4.11. APPOINTMENT OF DIRECTORS. (a) The Leon County

20-27 Commissioners Court shall appoint three directors, of whom:

21-1 (1) one must represent the interests of municipalities

21-2 in the county, or must be a director or employee of a rural water

21-3 supply corporation in the county, or both;

21-4 (2) one must be a bona fide agricultural producer who

21-5 derives a substantial portion of his or her income from agriculture

21-6 in the county; and

21-7 (3) one must represent active industrial interests in

21-8 the county.

21-9 (b) The Madison County Commissioners Court shall appoint

21-10 three directors, of whom:

21-11 (1) one must represent the interests of municipalities

21-12 in the county, or must be a director or employee of a rural water

21-13 supply corporation in the county, or both;

21-14 (2) one must be a bona fide agricultural producer who

21-15 derives a substantial portion of his or her income from agriculture

21-16 in the county; and

21-17 (3) one must represent active industrial interests in

21-18 the county.

21-19 (c) The Freestone County Commissioners Court shall appoint

21-20 three directors, of whom:

21-21 (1) one must represent the interests of municipalities

21-22 in the county, or must be a director or employee of a rural water

21-23 supply corporation in the county, or both;

21-24 (2) one must be a bona fide agricultural producer who

21-25 derives a substantial portion of his or her income from agriculture

21-26 in the county; and

21-27 (3) one must represent active industrial interests in

22-1 the county.

22-2 (d) Each of the governing bodies authorized by this section

22-3 to make an appointment shall appoint the appropriate number of

22-4 initial directors as soon as practicable following the effective

22-5 date of this Act, but not later than the 45th day after the

22-6 effective date of this Act.

22-7 (e) The initial directors shall draw lots to determine their

22-8 terms. A simple majority of the initial directors, if an odd

22-9 number of initial directors are appointed, or half the initial

22-10 directors, if an even number of initial directors are appointed,

22-11 serve terms that expire on January 1 of the fourth year following

22-12 the confirmation of the district at an election held under Section

22-13 4.13 of this article. The remaining initial directors serve terms

22-14 that expire on January 1 of the second year following the

22-15 confirmation of the district. On January 1 of the second year

22-16 following confirmation of the district and every two years after

22-17 that date, the appropriate commissioners courts shall appoint the

22-18 appropriate number of permanent directors.

22-19 SECTION 4.12. ORGANIZATIONAL MEETING. As soon as practicable

22-20 after all the initial directors have been appointed and have

22-21 qualified as provided by this article, a majority of the directors

22-22 shall convene the organizational meeting of the district at a

22-23 location within the district agreeable to a majority of the

22-24 directors. If no location can be agreed on, the organizational

22-25 meeting of the directors shall be at the Leon County Courthouse.

22-26 SECTION 4.13. CONFIRMATION ELECTION. (a) The initial board

22-27 of directors shall call and hold an election on the same date in

23-1 each county within the district to confirm the creation of the

23-2 district.

23-3 (b) Except as provided by this section, a confirmation

23-4 election must be conducted as provided by Sections 36.017, 36.018,

23-5 and 36.019, Water Code, and Section 41.001, Election Code.

23-6 (c) If the majority of qualified voters in a county who vote

23-7 in the election vote to confirm the creation of the district, that

23-8 county is included in the district. If the majority of qualified

23-9 voters in a county who vote in the election vote not to confirm the

23-10 creation of the district, that county is excluded from the
23-11 district.
23-12 (d) The district is dissolved and this article expires on
23-13 August 31, 2003, unless the voters confirm the creation of the
23-14 district before that date.

23-15 ARTICLE 5. CENTRAL CARRIZO-WILCOX COORDINATING COUNCIL
23-16 SECTION 5.01. CREATION. (a) The Central Carrizo-Wilcox
23-17 Coordinating Council is created only if at the first annual
23-18 regional coordination meeting held under Sections 2.08, 3.08, and
23-19 4.08 of this Act, all of the groundwater districts created and/or
23-20 existing in Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon,
23-21 Madison, and/or Freestone counties unanimously vote to create and
23-22 be members of the Central Carrizo-Wilcox Coordinating Council.
23-23 (b) The council is created under and is essential to
23-24 accomplish the purposes of Section 59, Article XVI, Texas
23-25 Constitution.
23-26 (c) The council is created to provide regional management of
23-27 groundwater resources within its boundaries in order to preserve a
24-1 sustainable water supply for the future by protecting, recharging,
24-2 and preventing the waste of groundwater and by controlling
24-3 subsidence caused by withdrawal of water from the groundwater
24-4 reservoirs.

24-5 SECTION 5.02. BOUNDARIES. The boundaries of the Central
24-6 Carrizo-Wilcox Coordinating Council are coextensive with the
24-7 boundaries of Bastrop, Lee, Robertson, Brazos, Milam, Burleson,
24-8 Leon, Madison, and Freestone counties.

24-9 SECTION 5.03. DEFINITIONS. In this article:
24-10 (1) "Council" means the Central Carrizo-Wilcox
24-11 Coordinating Council.
24-12 (2) "District" includes:
24-13 (A) the Brazos Valley Groundwater Conservation
24-14 District;
24-15 (B) the Post Oak Savannah Groundwater
24-16 Conservation District;
24-17 (C) the Mid-East Texas Groundwater Conservation
24-18 District;
24-19 (D) the Lost Pines Groundwater Conservation
24-20 District; and
24-21 (E) any other groundwater district created in
24-22 Bastrop, Lee, Robertson, Brazos, Milam, Burleson, Leon, Madison, or
24-23 Freestone County, or in any combination of any of those counties.

24-24 SECTION 5.04. FINDING OF BENEFIT. All of the land and other
24-25 property included within the boundaries of the council will be
24-26 benefitted by regional management of groundwater resources and the
24-27 works and projects that are to be accomplished by the council under
25-1 powers conferred by Section 59, Article XVI, Texas Constitution.
25-2 The council is created to serve a public use and benefit.

25-3 SECTION 5.05. AUTHORITY OF COUNCIL. (a) The council does
25-4 not have the powers granted by Chapter 36, Water Code, except as
25-5 stated in this article and as authorized by the districts. The
25-6 failure of one or more of the districts' confirmation elections
25-7 does not affect the authority of the council.
25-8 (b) The council's authority is limited to groundwater
25-9 produced from and wells drilled into the Carrizo-Wilcox aquifer, as
25-10 defined by the Texas Water Development Board in the current state
25-11 water plan, within the boundaries of the council.

25-12 SECTION 5.06. MANAGEMENT PLAN. (a) The council shall:
25-13 (1) coordinate and maintain a management plan for the
25-14 council's coordinating area;
25-15 (2) collect and maintain data required for management
25-16 of groundwater resources within its boundaries;
25-17 (3) coordinate the districts regarding management plan
25-18 issues; and
25-19 (4) disseminate information and monitor implementation
25-20 of the management plan among the districts.
25-21 (b) The council shall coordinate the comprehensive
25-22 management plan, as required by Sections 36.1071 and 36.1073, Water
25-23 Code, for all of the counties within its boundaries. In
25-24 coordinating the comprehensive management plan, the council shall
25-25 include and use the management plans developed by the individual
25-26 districts.
25-27 (c) In the management plan the council may establish an
26-1 annual total groundwater withdrawal limit and equitable allocation
26-2 for each district as determined from an evaluation of the overall
26-3 scientific data of the groundwater resources in the region,

including the Texas Water Development Board's groundwater availability model. The determination of sustainable groundwater withdrawal shall be reviewed at least every five years. An individual district may not restrict the total amount of groundwater withdrawn in the district to less than the limit as determined from the evaluation of scientific data established under this subsection. If the council establishes an annual total groundwater withdrawal limit and that limit is reached, groundwater withdrawal used for public water supply inside the boundaries of the council may be restricted only by unanimous vote of the council.

(d) On completion of the comprehensive management plan and after approval of the plan by vote of at least 75 percent of the council, the council shall forward a copy of the management plan and any amendment to the plan to the Texas Water Development Board as required by Section 36.1072, Water Code. In preparing the comprehensive management plan and its amendments, the council shall consider:

(1) the goals of the management plan and its impact on planning throughout the management area;

(2) the effectiveness of the measures established by the management plan for conserving and protecting groundwater and preventing waste, and the effectiveness of those measures in the management area generally; and

(3) any other matters that the council considers relevant to the protection and conservation of groundwater and the prevention of waste in the management area.

SECTION 5.07. MANAGEMENT OF COUNCIL. (a) The districts' representatives appointed to the council shall manage all affairs of the council.

(b) The council may contract with any person, public or private, as the council requires to conduct its affairs. The council shall set the compensation and terms for consultants.

(c) In selecting an attorney, engineer, auditor, financial advisor, or other professional consultant, the council must follow the procedures of Subchapter A, Chapter 2254, Government Code (Professional Services Procurement Act).

(d) The council shall require an officer or consultant who collects, pays, or handles any council funds to furnish good and sufficient bond, payable to the council, in an amount determined by the council to be sufficient to safeguard the council. The bond shall be conditioned on the faithful performance of that person's duties and on an accounting for all council funds and property. The bond shall be signed or endorsed by a surety company authorized to do business in this state.

SECTION 5.08. MEETINGS. (a) The council shall hold a regular annual meeting. It may hold meetings at other times as required for council business.

(b) Notice of council meetings shall be given as required by the open meetings law, Chapter 551, Government Code.

(c) The council shall hold its meetings in accordance with the open meetings law, Chapter 551, Government Code.

SECTION 5.09. RECORDS. (a) The council shall keep a complete account of all its meetings and proceedings and shall preserve all council records in a safe place.

(b) Council records are the property of the council and are subject to Chapter 552, Government Code.

(c) The preservation, storage, destruction, or other disposition of council records are subject to Chapter 201, Local Government Code, and rules adopted under that chapter.

SECTION 5.10. RESEARCH, SURVEYS, AND COLLECTION AND DISSEMINATION OF INFORMATION. (a) The council may, but only as authorized by the districts:

(1) perform research projects authorized by Section 36.107, Water Code;

(2) coordinate surveys under Section 36.106, Water Code, of the groundwater reservoir or subdivision and of the facilities for development, production, transportation, distribution, and use of the water, to determine the:

(A) quantity of water available for production and use; and

(B) improvements, development, and recharging needed by a reservoir or its subdivision;

(3) collect information under Section 36.107, Water Code, including information regarding the use of groundwater, water

28-25 conservation, and the practicability of recharging a groundwater
28-26 reservoir;

28-27 (4) publish its plans and the information it develops,
29-1 bring them to the attention of the users of groundwater in the
29-2 council area, and encourage the users to adopt and use them, under
29-3 Section 36.110, Water Code; and
29-4 (5) develop programs to educate the public about the
29-5 aquifers in the management area, water conservation, and the
29-6 prevention of pollution of the aquifer.

29-7 (b) A unanimous vote of the council is required before the
29-8 council may take an action authorized by Subsection (a) of this
29-9 section.

29-10 (c) The district shall use existing research, surveys, and
29-11 information from state agencies or other sources to the greatest
29-12 extent possible for developing the management plan, conducting
29-13 research or other projects, and determining withdrawal limits and
29-14 equitable allocations between districts before conducting or
29-15 contracting for similar or complementary research, surveys, and
29-16 information.

29-17 SECTION 5.11. FUNDING. (a) The council shall be funded by
29-18 reasonable assessments of the owners of water wells in the
29-19 Carrizo-Wilcox aquifer that are capable of producing more than
29-20 25,000 gallons of water a day in proportion to the total amount of
29-21 water pumped from the aquifer. The districts shall make the
29-22 assessment.

29-23 (b) The assessments shall be made for:
29-24 (1) coordination and maintenance of a management plan
29-25 for the council's coordinating area;
29-26 (2) collection and maintenance of data required for
29-27 management of groundwater resources within its boundaries;
30-1 (3) coordination of the districts regarding management
30-2 plan issues;
30-3 (4) dissemination of information and monitoring of
30-4 implementation of the management plan among the districts;
30-5 (5) holding of regular council meetings; and
30-6 (6) contracting with any person, public or private, as
30-7 the council requires to accomplish the duties of this subsection.

30-8 (c) The council may be funded for services other than those
30-9 listed in Subsection (b) of this section, in any manner determined
30-10 appropriate by unanimous vote of the council or provided for by
30-11 interlocal agreement.

30-12 (d) The council shall seek to minimize its costs and
30-13 expenditures to the greatest extent feasible.

30-14 SECTION 5.12. SUITS. All courts shall take judicial notice
30-15 of the creation of the council and of its boundaries. Sections
30-16 36.066(f) and (g), Water Code, pertaining to suits, apply to the
30-17 council.

30-18 SECTION 5.13. CONTRACTS. The council may contract in the
30-19 name of the council.

30-20 SECTION 5.14. DISTRICT COORDINATION. (a) The council may
30-21 enter into interlocal agreements with its member districts to
30-22 provide for administrative assistance and other services identified
30-23 in Section 5.10 of this article.

30-24 (b) The council may coordinate the activities of the
30-25 districts to the extent authorized by the districts.

30-26 (c) The council may mediate disputes concerning the
30-27 regulation of groundwater along the boundaries of each district
31-1 and, in the event that the council is unable to reach a resolution,
31-2 it may petition the Texas Natural Resource Conservation Commission
31-3 for resolution of the dispute under Section 36.108, Water Code.

31-4 SECTION 5.15. COMPOSITION OF COUNCIL. (a) Each district
31-5 shall appoint three of its directors to serve on the council's
31-6 board of directors. The appointees to the council's board of
31-7 directors shall serve at the pleasure of their respective
31-8 districts.

31-9 (b) After the council is created and the districts select
31-10 their three representatives to serve on the council, the council
31-11 shall meet and elect a president, a vice president, a secretary,
31-12 and any other officers or assistant officers the council considers
31-13 necessary and shall begin to discharge its duties.

31-14 (c) A quorum for a council meeting is achieved only if:
31-15 (1) a majority of the membership of the council is
31-16 present; and
31-17 (2) each district has a representative at the meeting.

31-18 SECTION 5.16. COORDINATION WITH THE BLUEBONNET GROUNDWATER

31-19 CONSERVATION DISTRICT. (a) The council shall coordinate activities
31-20 with the Bluebonnet Groundwater Conservation District or any other
31-21 groundwater conservation district created in Grimes, Washington,
31-22 Austin, Waller, or Walker County if the groundwater conservation
31-23 district chooses to coordinate activities.
31-24 (b) The Bluebonnet Groundwater Conservation District or any
31-25 other groundwater conservation district created in Grimes,
31-26 Washington, Austin, Waller, or Walker County may appoint a
31-27 nonvoting representative to the council.
32-1 (c) The council may perform duties described in this article
32-2 for the Bluebonnet Groundwater Conservation District or any other
32-3 groundwater conservation district created in Grimes, Washington,
32-4 Austin, Waller, or Walker County through interlocal agreements.
32-5 ARTICLE 6. PROCEDURAL REQUIREMENTS; EFFECTIVE DATE
32-6 SECTION 6.01. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
32-7 (a) The proper and legal notice of the intention to introduce this
32-8 Act, setting forth the general substance of this Act, has been
32-9 published as provided by law, and the notice and a copy of this Act
32-10 have been furnished to all persons, agencies, officials, or
32-11 entities to which they are required to be furnished by the
32-12 constitution and other laws of this state, including the governor,
32-13 who has submitted the notice and Act to the Texas Natural Resource
32-14 Conservation Commission.
32-15 (b) The Texas Natural Resource Conservation Commission has
32-16 filed its recommendations relating to this Act with the governor,
32-17 the lieutenant governor, and the speaker of the house of
32-18 representatives within the required time.
32-19 (c) All requirements of the constitution and laws of this
32-20 state and the rules and procedures of the legislature with respect
32-21 to the notice, introduction, and passage of this Act are fulfilled
32-22 and accomplished.
32-23 (d) To the extent of any conflicts, this Act prevails over
32-24 any provision of Senate Bill No. 2, Acts of the 77th Legislature,
32-25 Regular Session, 2001.
32-26 SECTION 6.02. EFFECTIVE DATE. This Act takes effect
32-27 September 1, 2001.

President of the Senate

Speaker of the House

I certify that H.B. No. 1784 was passed by the House on April 20, 2001, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1784 on May 23, 2001, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1784 on May 27, 2001, by a non-record vote; and that the House adopted H.C.R. No. 334 authorizing certain corrections in H.B. No. 1784 on May 28, 2001, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 1784 was passed by the Senate, with amendments, on May 21, 2001, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1784 on May 27, 2001, by a viva-voce vote; and that the Senate adopted H.C.R. No. 334 authorizing certain corrections in H.B. No. 1784 on May 28, 2001, by a viva-voce vote.

Secretary of the Senate

APPROVED: _____

Date

Governor